

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-9 and 40 are currently pending in the application. Claims 1, 9 and 40 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 1, 3-5, 7-9 and 40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto et al. (U.S. Pat. 7,310,823, herein “Okamoto”) in view of Lee et al. (U.S. Pub. 2003/0206509, herein Lee); and Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Lee and Ando et al. (U.S. Pat. 7,286,746, herein Ando).

Claims 1, 3-5, 7-9 and 40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Lee. In response to this rejection, Applicant respectfully submits that amended independent Claims 1, 9 and 40 recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1, for example, recites a recording system in which a host device and a recording drive are connected via a bus, said recording drive comprising
recording means for recording user data *interspersed with user control data* in a unit of physical cluster on a recording medium

Independent Claims 9 and 40, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 9 and 40.

As disclosed in an exemplary embodiment at Fig. 5, the user data 201 and user control data 202 are processed and intermixed in a ECC cluster 221 as LDC blocks 209-1 through

¹ e.g. specification, Fig. 5 and pp. 27-31.

209-4 and BIS blocks 213-1 through 213-3, respectively. This ECC cluster is used to form the physical cluster 222, which is then recorded on the recording medium.

In rejecting Claims 1, 9 and 40, pp. 3-4 of the Office Action concedes that Okamoto fails to disclose “recording data in a unit of physical cluster.” In an attempt to remedy this deficiency, the Office Action relies on Lee and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicant’s claims. In response to this rejection, Applicant respectfully submits that Okamoto, even if combined with Lee, fails to disclose the more detailed features directed to recording user data and user control data in a unit of physical cluster, as recited in amended Claims 1, 9 and 40.

Lee describes a method of recording data in an optical disk. In Lee’s method, when data is overwritten on a recordable and/or reproducible optical disk, linking is performed in front of a physical cluster from which overwriting starts.²

Lee, however, fails to teach or suggest “recording user data *interspersed with user control data* in a unit of physical cluster on a recording medium,” as recited in amended independent Claims 1, 9 and 40.

In rejecting the claimed features directed to recording data in a unit of physical cluster, the Office Action cites paragraph [0015] of Lee. This cited portion of Lee describes a method of recording data on a recordable and/or reproducible optical disk when the data is overwritten. The method includes performing linking in front of a physical cluster from which overwriting starts when the overwriting is performed after data has been recorded in the optical disk in units of physical clusters, and when a defective area on which recording cannot be performed is included in an area on which overwriting is performed, recording a guard for terminating the recording in a portion in front of the defective area.

² Lee, Abstract.

Thus, the cited portion of Lee does describe recording data in a unit of physical cluster on a recording medium, but fails to teach or suggest that the physical cluster includes user data *interspersed with user control data*, as recited in amended independent Claims 1, 9 and 40.

Moreover, Okamoto fails to disclose that user control data to be recorded is interspersed in user data, whatsoever. Specifically, Figs. 6(a) and 6(b) and col. 10, l. 58 – col. 11, l. 15 appear to describe that all the control information is placed together in a single block and not interspersed in user data, as claimed.

Therefore, Okamoto and Lee, neither alone, nor in combination, teach or suggest “recording user data *interspersed with user control data* in a unit of physical cluster on a recording medium,” as recited in amended independent Claims 1, 9 and 40.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 9 and 40 (and the claims that depend therefrom) under 35 U.S.C. § 103 be withdrawn.

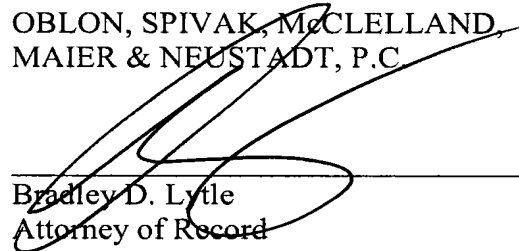
Regarding the rejection of Claim 6 under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Lee and Ando, Applicant notes that Claim 6 depends from Claim 1 and patentably defines over the applied references for at least the reasons discussed above. Further, it is respectfully submitted that Ando fails to remedy the above noted deficiencies of Okamoto and Lee.

Accordingly, Applicant respectfully requests that the rejection of Claim 3 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3-9 and 40 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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